



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/579,476

07/26/2007

Gustavo Serrano Rodriguez

TAMAYO-0003

7042

51353

7590

10/14/2010

ROBERTO J. RIOS

256 ELEANOR ROOSEVELT

SAN JUAN, PR 00918

EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

10/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,476	Applicant(s) SERRANO RODRIGUEZ, GUSTAVO	
	Examiner TIMOTHY M. AYRES	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 16-20, 22, and 23 are objected to because of the following informalities:
They depend from claim 1 which has been canceled, for examination purposes they are assumed to depend from claim 15. Appropriate correction is required.
2. Claims 21 is objected to because of the following informalities: They depend from claim 2 which has been canceled, for examination purposes they are assumed to depend from claim 16. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 15, the phrase "box-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "-like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15-17, 20, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,017,553 to Troiel in view of US Patent 2,963,763 to Cluyse . Troiel teaches a modular formwork system for concrete molding comprising multiple formwork modules (10). The formwork module (10) has reinforcing elements (18) and strut elements (11). Distance elements (15) are attached via locking elements that are bent nails into receiving holes (12) in the top flange (11) that is considered to be positioned at the corners on the back surface as in figure 1. Linking elements (17) are used to help align adjacent formwork modules. Alignment elements (21,21a) and gripping elements (fig 7 and 8) help to true up to modules into a straight configuration. An L-shaped angular element (41) creates an outer corner connection between formwork modules while rectangular shaped (40) creates an internal corner between formwork modules. The linking elements (fig 6) comprise a receiving slot and linking pin (33) that extends perpendicular to the arm (32).

7. Regarding claim 15, Troiel does not expressly disclose the reinforcing elements being v-shaped. Cluyse teaches a formwork system having reinforcing elements (12,16) that are v-shaped. At the time of the invention it would have been obvious for a person

Art Unit: 3637

of ordinary skill in the art to modify the formwork system of Troiel by making the reinforcing elements v-shaped as taught by Cluyse to create a stronger form surface.

8. Regarding claim 23, Troiel in view of Cluyse does not expressly disclose a demoulding material. The examiner is taking Official notice that it well known in the art of molding and specifically in concrete molding to use a demoulding or release agent that is commonly an oil, wax or similar substance to make it easier to remove the forms once the concrete is cured. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the formwork system of Troiel in view of Cluyse by adding a demoulding material to the surface of the formwork to help release the forms from the concrete.

9. Claims 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,017,553 to Troiel in view of US Patent 2,963,763 to Cluyse as applied to claims 15 and 16 above, and further in view of US Patent 2,693,628 to Hummel. Troiel in view of Cluyse does not expressly disclose the linking pin having a curved end. Hummel teaches a formwork system comprising a multiple form modules connected via linking elements (30). The linking elements have a slot between element (33) and arm (32) that is comparable to the receiving slot structure as taught by Troiel. The curved end (31) of the linking pin fits in holes in the side elements. At the time of the invention it would have been obvious to modify the linking pin of Troiel in view of Cluyse by using the curved pin structure (as taught by Hummel) that extends from the arm of the receiving slot, since applicant has not disclosed that having the pin with the specific

Art Unit: 3637

curved shape solves any stated problem or is for any particular purpose and it appears that the pin without the curve would perform equally well with since it is functionally equivalent and appears to be just as easy to assemble and manufacture.

10. Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,017,553 to Troiel in view of US Patent 2,963,763 to Cluyse as applied to claim 15 above, and further in view of US Patent 2,151,210 to Jennings. Troiel in view of Cluyse discloses every element as claimed and discussed above except a latching slot perpendicular to the receiving hole. Jennings teaches a formwork system having receiving holes (15) that receive a curved end of the locking pin (21) while the other end fits into a slot as in figure 4. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the formwork system of Troiel in view of Cluyse by adding a slot and replacing the bent nail with the curved pin as taught by Jennings to prevent accidental engagement of the locking pin.

Response to Arguments

11. Applicant's arguments filed 7/26/10 have been considered but are moot in view of the new ground(s) of rejection. The substitute specification and drawings filed 7/26/10 are accepted.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY M. AYRES whose telephone number is (571)272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on (571) 272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M. A./
Examiner, Art Unit 3637
10/7/2010

/Darnell M Jayne/
Supervisory Patent Examiner, Art
Unit 3637